

FILED  
JULY 20 2008  
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U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
MAIL

JAN 08 2008

UNITED STATES DISTRICT COURT  
WESTERN DIVISION OF WASHINGTON

CV08 0023 JCE

MICHAEL B. FJERSTAD,  
Plaintiff,

v.

MJB

CIVIL RIGHTS  
COMPLAINT

SCOTT BACH;  
KING COUNTY;  
CITY OF SEATTLE,  
Defendant(s)



08-CV-00023-CMP

Preliminary statement

This civil rights action is filed by Michael B. Fjersstad, pro se, against Seattle Police Detective Scott Bach, King County, and the City of Seattle. Plaintiff claims that the actions of the Defendants were done with deliberate

(1)

indifference to his Constitutional rights and is suing Scott Bach in both his personal and official capacities. The Defendants violated Plaintiff's rights to due process and equal protection when they issued, or caused to be issued and executed, an invalid search warrant that led to the loss of Plaintiff's business and personal property.

## I. Jurisdiction

1.) This Court has jurisdiction pursuant to 42 U.S.C., section 1983 and supplemental jurisdiction under 42 U.S.C., section 1981.

## II. Parties

2.) Michael B. Fjernstad is a federal (metria) detainee at the Federal Detention Center in Seattle, Washington 98198.

3.) Detective Scott Bach is a Seattle Police Detective for the City of Seattle.

4.) King County is a public corporation located within the State of Washington.

5.) The City of Seattle is a political subdivision of the State of Washington, King County.

### III. Facts

6.) On 7/25/07, Detective Scott Bach submitted an Affidavit for Search Warrant for a business called Deluxe Auto Design located at 3708 Airport Way S., in the City of Seattle, King County, State of Washington.

7.) The resulting search warrant signed by King County Superior Court Judge Michael J. Trickey lists two items to be searched:

a.) the address of 3708 Airport Way S., in the City of Seattle, County of King and State of Washington. This is a business called Deluxe Auto Design;

- b.) the person who is known as Michael B. Fjernstad and who has a date of birth of 02-09-1963.
- 8.) Members of a combined Task Force executed the warrant at Deluxe Auto Design, 3708 Airport Way S., City of Seattle, State of Washington.
- 9.) Deluxe Auto Design located at 3708 Airport Way S., City of Seattle, State of Washington does not belong to Michael B. Fjernstad.
- 10.) Plaintiff owned a business called It's About Time located at 3706 Airport Way S., Unit B, City of Seattle, State of Washington.
- 11.) Detective Bach, knowing full well that the Search Warrant did not include any other business other than Deluxe Auto Design, used that Search Warrant to search It's About

Time owned by Plaintiff.

2.) No authorization to expand the search  
warrant was asked for or given.

### III. Statement of claims

3.) Plaintiff claims that Defendant's actions  
violated his Constitutional rights to due process  
under the Fourteenth Amendment to the United  
States Constitution.

4.) Plaintiff claims that Defendant's actions  
violated his Constitutional rights to equal  
protection of law under the Fourteenth Amend-  
ment to the United States Constitution.

5.) Plaintiff claims that Defendant Scott Bach  
violated the above listed rights in a wanton,  
malicious manner with callous disregard for  
the truth and Plaintiff therefore requests  
treble damages.

## II. Relief requested

Plaintiff requests the following relief:

- a.) compensatory damages for the loss of his business of \$1.5 million dollars; \$ 80,000 in lost equipment when law enforcement left the building open and unattended after executing the Search Warrant; \$ 30,000 in confiscated property or \$1,710,000.
- b.) emotional and mental suffering of \$ 500,000.
- c.) punitive damages of \$ 2,000,000.
- d.) attorneys fees
- e.) any other relief this court deems just and proper.
- f.) treble damages because of the wanton

(6)

and malicious actions of Defendant Scott Bach.

Dated: 1-6-08

Bd:

~~477-72~~  
Michael B. Fjernstad

37730-086 EB

Federal Detention Center

POB 13900

Seattle, WA 98198

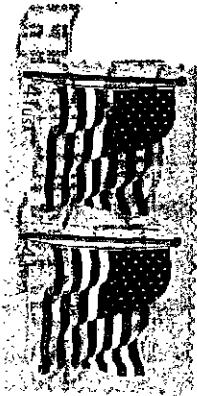
(7)

FEDERAL DETENTION CENTER  
Name: EJERSTAD  
Reg #: 373226 Unit: EB  
P.O. Box 13900  
Seattle, WA 98198-1090

"LEGAL"

SEATTLE WA 981

07 JAN 2008 PM ST



CLERK, U.S. DISTRICT COURT

700 STEWART ST.

SEATTLE, WA, 98101

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